

Extending welcome to students, teachers and sponsors of San Isidro High School.

S. R. No. 561—By Senator Watson: Extending congratulations to Lester Louis Levy for civic work in Waco.

Memorial Resolutions

S. R. No. 557—By Senator Watson: Memorial resolution for Guy King, Jr.

S. R. No. 558—By Senator Watson: Memorial resolution for William B. Surratt.

S. R. No. 559—By Senator Watson: Memorial resolution for John S. Batte.

S. R. No. 560—By Senator Watson: Memorial resolution for Manton Hannah.

Adjournment

On motion of Senator Hardeman the Senate at 12:15 o'clock p.m. adjourned until 2:30 o'clock p.m. today.

SIXTY-NINTH DAY

(Thursday, May 16, 1963)

The Senate met at 2:30 o'clock p.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Absent—Excused

Hall

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading

of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Hall was granted leave of absence for today on account of important business on motion of Senator Word.

Morning Call Dispensed With

On motion of Senator Dies and by unanimous consent the Morning Call of the Senate was dispensed with.

Conference Committee Report on House Bill 48

Senator Dies submitted the following Conference Committee report of H. B. No. 48:

Austin, Texas,
May 16, 1963.

Hon. Preston Smith, President of the Senate.

Hon. Byron Tunnell, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on House Bill No. 48, have met and adjusted our differences and beg leave to recommend that House Bill No. 48 be passed in the form attached hereto.

Respectfully submitted,

DIES
BATES
MOORE
CREIGHTON
HALL

On the part of the Senate

FAIRCHILD
FONDREN
BUTLER
SLIDER
CREWS

On the part of the House

H. B. No. 48,

A BILL

To Be Entitled

An Act amending the Texas Motor Vehicle Safety-Responsibility Act relating to the deposit of security following certain accidents, the proof of financial responsibility in certain instances, the suspension of certain licenses, registrations and non-resident operating privileges, and certain penalties; providing for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subsection 10 of Section 1 of Article I of the Texas Motor Vehicle Safety-Responsibility Act is amended to read hereafter as follows:

"10. 'Proof of Financial Responsibility.' Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of Ten Thousand Dollars (\$10,000) because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of Twenty Thousand Dollars (\$20,000) because of bodily injury to or death of two (2) or more persons in any one accident, and in the amount of Five Thousand Dollars (\$5,000) because of injury to or destruction of property of others in any one accident."

Sec. 2. Subsection (b) of Section 2 of Article II of the Texas Motor Vehicle Safety-Responsibility Act is hereby amended and a new Subsection (d) is added to said section, to read as follows:

"(b) Any order or act of the Department, under the provisions of this Act, may be subject to review within thirty (30) days after notice thereof, or thereafter for good cause shown, by appeal to the county court at law at the instance of any party in interest and in the county wherein the person aggrieved by such order or act resides, or if there be no county court at law therein, then in the county court of said county, or if there be no county court having jurisdiction, then such jurisdiction shall be in the district court of said county, and such court is hereby vested with jurisdiction, and such appeal shall be by trial de novo. The court shall determine whether the filing of the appeal shall operate as a stay of any such order or decision of the Department, with the exception that no stay order shall be granted staying an order of suspension by the Department of Public Safety that is based on a final judgment rendered against any person in this state by a court of competent jurisdiction growing out of the use of a motor vehicle in this state when said judgment is a subsisting final judgment and unsatis-

fied; further, an appeal shall not operate as a stay of any such other orders or decisions of the Department of Public Safety where the aggrieved party was involved in an accident involving a motor vehicle which he was operating if he was charged with a violation of any of the laws of the State of Texas, or any of its political subdivisions, and said complaint or indictment is pending at the time the appeal from an order or decision of the Department of Public Safety is filed, unless the aggrieved party shall file proof of financial responsibility with the Department of Public Safety as a condition precedent to the obtaining of said stay and maintain said proof of financial responsibility until dismissal of said complaint or indictment or for such period of time as provided for in Section 2(d) of this Act. If the aggrieved party shall at the time of said appeal in lieu of proof of financial responsibility file with the court and the Department of Public Safety an affidavit setting forth specific facts which would entitle the aggrieved party to an acquittal of the complaint or indictment filed against the aggrieved party, he shall be entitled to a temporary stay of the order of the Department of Public Safety without the necessity of filing proof of financial responsibility. Upon the filing of such affidavit, the cause shall take priority upon the court's docket in said Court where said complaint or indictment is pending and if the same is not tried within forty-five (45) days from the date of filing of such complaint or indictment, shall thereafter be subject to transfer to such county or district court of an adjoining county upon the filing of a motion thereof by the aggrieved party. If within ninety (90) days from the date of the original suspension or order by the Department of Public Safety, the Department has not received a certified copy of a judgment of the court acquitting the aggrieved party, the Department of Public Safety shall again order the driver's license and registrations of all motor vehicles registered in the aggrieved party's name suspended and from this said order of the Department of Public Safety, no appeal shall operate as a stay unless the aggrieved party files with the Department of Public Safety, as an absolute condition precedent to the obtaining of a stay, proof of financial responsibility and maintain said proof of financial

responsibility until said complaint or indictment has been dismissed or if the aggrieved party has plead guilty or been convicted for the period of time provided for in Section 2(d) of this Act. Upon the disposition of said complaint or indictment either by a plea of guilty or final conviction, the aggrieved party who shall have plead guilty or been finally convicted and has previously filed proof of financial responsibility as a condition precedent to obtaining a stay from an order of suspension of the Department of Public Safety, must maintain said proof of financial responsibility with the Department of Public Safety for that period of time provided for in Section 2(d) of this Act. If no stay order has been previously applied for prior to a plea of guilty or final conviction, the aggrieved party can obtain a stay from any order or decision of the Department of Public Safety if said party will file with the Department of Public Safety as a condition precedent to the obtaining of a stay of said order or decision proof of financial responsibility and maintain said proof of financial responsibility as provided for in Section 2(d) of this Act. Where the aggrieved party has been found not guilty to the complaint or indictment filed against him, or said complaint or indictment has been dismissed, filing of proof of financial responsibility shall not be a condition precedent to the granting of a stay from any order or decision of the Department of Public Safety, and prior filing of proof of financial responsibility with the Department of Public Safety as a condition precedent to obtaining a stay from an order or decision of the Department of Public Safety, may be withdrawn. The above provision restricting the granting of a stay order in appeals where the aggrieved party has been charged with the violation of any of the laws of the State of Texas or of any of the political subdivisions shall also limit any court in this state in any original action brought against the Department of Public Safety to enjoin or order the enforcement of any order of the Department of Public Safety issued under this Act."

"(d) Whenever a person has been convicted or pleads guilty to a violation of any of the laws of the State of Texas, or its political subdivisions, growing out of a motor vehicle accident, as specified in Section 2(b) of this Act, and said party is required

to file proof of financial responsibility as a condition precedent to the obtaining of a stay of any order or decision of the Department of Public Safety, said proof of financial responsibility shall be maintained with said Department of Public Safety by said party for a period of three (3) years from date of final conviction or plea of guilty.

Sec. 3. Section 4 of Article III of the Texas Motor Vehicle Safety-Responsibility Act is amended to read hereafter as follows:

"Section 4. The operator of every motor vehicle which is in any manner involved in an accident within the State, in which any person is killed or injured or in which damage to the property of any one person, including himself, to an apparent extent of at least One Hundred Dollars (\$100) is sustained, shall within ten (10) days after such accident report the matter in writing to the Department. Such report, the form of which shall be prescribed by the Department, shall contain information to enable the Department to determine whether the requirements for the deposit of security under Section 5 are inapplicable by reason of the existence of insurance or other exceptions specified in this Act. Any written report of accident in accordance with Section 44, Chapter 421, Acts of the Fiftieth Legislature, Regular Session, 1947, as last amended by Chapter 363, Acts of the Fifty-third Legislature, Regular Session, 1953, compiled as Article 6701d, Section 44, Vernon's Texas Civil Statutes, if actually made to the Department, shall be sufficient provided it also contains the information required herein. The Department may rely upon the accuracy of the information unless and until it has reason to believe that the information is erroneous. If such operator be physically incapable of making such report, the owner of the motor vehicle involved in such accident shall, within ten (10) days after learning of the accident, make such report. The operator or the owner shall furnish such additional relevant information as the Department shall require."

Sec. 4. Section 5 of Article III of the Texas Motor Vehicle Safety-Responsibility Act is amended to read hereafter as follows:

"Section 5. (a) If twenty (20) days after the receipt of a report of a motor vehicle accident within this

State which has resulted in bodily injury or death, or damage to the property of any one person of at least One Hundred Dollars (\$100), the Department does not have on file evidence satisfactory to it that the person who would otherwise be required to file security under Subsection (b) of this Section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the Department shall determine the amount of security which shall be sufficient in its judgment, and in no event less than Two Hundred Dollars (\$200) to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner.

"(b) The Department shall, within sixty (60) days after the receipt of such report of a motor vehicle accident, suspend the license and all registrations of each operator and owner of a motor vehicle in any manner involved in such accident, and if such operator or owner is a nonresident the privilege of operating a motor vehicle within this State, and the privilege of the use within this State of any motor vehicle owned by him unless such operator, owner or operator and owner shall deposit security in the sum so determined by the Department and in no event less than Two Hundred Dollars (\$200), and unless such operator and owner shall give proof of financial responsibility; provided notice of such suspension shall be sent by the Department to such operator and owner not less than ten (10) days prior to the effective date of such suspension and shall state the amount required as security and the necessity for proof of financial responsibility. Where erroneous information is given the Department with respect to the matters set forth in Subdivisions 1, 2 and 3 of Subsection (c) of this Section, it shall take appropriate action as hereinbefore provided, within sixty (60) days after receipt by it if correct information with respect to said matters.

"(c) This Section shall not apply under the conditions stated in Section 6 nor:

"1. To such operator or owner if

such owner had in effect at the time of such accident a motor vehicle liability policy with respect to the motor vehicle involved in such accident;

"2. To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident a motor vehicle liability policy or bond with respect to his operation of motor vehicles not owned by him;

"3. To any person employed by the government of the United States, when such person is acting within the scope or office of his employment;

"4. To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the Department, covered by any other form of liability insurance policy or bond; nor

"5. To any person qualifying as a self-insurer under Section 34 of this Act, or to any person operating a motor vehicle for such self-insurer.

"No such policy or bond shall be effective under this Section or under Section 7 unless issued by an insurance company or surety company authorized to write motor vehicle liability insurance in this State, except that if such motor vehicle was not registered in this State, or was a motor vehicle which was registered elsewhere than in this State at the effective date of the policy, or the most recent renewal thereof, such policy or bond shall not be effective under this Section unless the insurance company or surety company if not authorized to do business in this State shall execute a power of attorney authorizing the Department to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; providing, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than Ten Thousand Dollars (\$10,000) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than Twenty Thousand Dollars (\$20,000) because of bodily injury to or death of two (2) or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than Five Thousand Dollars (\$5,000) because of injury to or destruction of

property of others in any one accident.

"6. Wherever the word 'bond' appears in this Section or this Act, it shall mean a bond filed with and approved by the Department of Public Safety."

Sec. 5. Section 6 of Article III of the Texas Motor Vehicle Safety-Responsibility Act is amended to read hereafter as follows:

"Section 6. The requirements as to security, proof of financial responsibility and suspension in Section 5 shall not apply:

"1. To the operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than such operator or owner;

"2. To the operator or the owner of a motor vehicle legally parked or legally stopped at a traffic signal at the time of the accident.

"3. To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such motor vehicle without such permission; nor

"4. If, prior to the date that the Department would otherwise suspend license and registration of nonresident's operating privilege under Section 5, there shall be filed with the Department evidence satisfactory to it that the person, who would otherwise have to file security and proof, has been released from liability or been finally adjudicated not to be liable or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident."

Sec. 6. Section 7 of Article III of the Texas Motor Vehicle Safety-Responsibility Act is amended to read hereafter as follows:

"Section 7. The license and registration and nonresident's operating privilege suspended as provided in Section 5 shall remain so suspended and shall not be renewed nor shall any such license or registration be issued to such person until:

"1. Such person shall deposit and file or there shall be deposited and filed on his behalf the security and proof required under Section 5 and under this Section; or

"2. Two (2) years shall have elapsed following the date of such accident and evidence satisfactory to the Department has been filed with it that during such period no action for damages arising out of the accident has been instituted, provided such person files proof of financial responsibility; or

"3. Evidence satisfactory to the Department has been filed with it of a release from liability, or a final adjudication of nonliability, or a duly acknowledged written agreement, in accordance with Subdivision 4 of Section 6; provided, however, in the event there shall be any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of such default, the Department shall forthwith suspend the license and registration or nonresident's operating privilege of such person defaulting which shall not be restored unless and until

"(a) Such person deposits and thereafter maintains security as required under Section 5 in such amount as the Department may then determine and files proof of financial responsibility; or

"(b) Two (2) years shall have elapsed following the date when such security was required and during such period no action upon such agreement has been instituted in a court in this State, provided such person gives proof of financial responsibility."

Sec. 7. Article III of the Texas Motor Vehicle Safety-Responsibility Act is amended by adding thereto a new section to be known as Section 7A, which shall read as follows:

"Reinstatement—Fees

"Section 7A. Whenever a license or registration, or nonresident's operating privilege is suspended and the filing of proof of financial responsibility is, under this Article, made a prerequisite to reinstatement thereof, or to the issuance of a new license or registration, no such license or registration, or nonresident's operating privilege shall be reinstated or new license or registration shall be issued unless the licensee or registrant or nonresident, in addition to complying with other provisions of this article, pays to the Department a fee of Ten Dollars (\$10) in addition to any other fees which may be

required by law. Only one such fee shall be paid by any one person regardless of the number of licenses and registrations to be reinstated for or issued to such person in connection with such payment.

"The fees paid pursuant to this Section shall be used by the Department to administer the provisions of this Article."

Sec. 8. Subsection (c) of Section 8 of Article III of the Texas Motor Vehicle Safety-Responsibility Act is amended to read hereafter as follows:

"(c) Upon receipt of such certification that the operating privilege of a resident of this State has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident or to file proof of financial responsibility, under circumstances which would require the Department to suspend a nonresident's operating privilege had the accident occurred in this State, the Department shall suspend the license and all the registrations of such resident. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such other state relating to the deposit of such security and proof of financial responsibility."

Sec. 9. Section 9 of Article III of the Texas Motor Vehicle Safety-Responsibility Act is amended to read hereafter as follows:

"Section 9. The Security required under this Article may be by cash deposit or by bond written by an insurance company duly authorized to execute surety bonds in this State in the amount the Department may require or in such other form and in such amount as the Department may require but in no case less than \$200.00 nor in excess of the limits specified in Section 5 in reference to the acceptable limits of a policy. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while such deposit is in the custody of the Department or the State Treasurer of the State of Texas, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons; provided, however, that

a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident and the same motor vehicle.

"The Department may reduce the amount of security ordered in any case within six (6) months after the date of the accident if, in its judgment, the amount ordered is excessive. In case the security originally ordered has been deposited the excess deposited over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith, notwithstanding the provisions of Section 10."

Sec. 10. Section 10 of Article III of the Texas Motor Vehicle Safety-Responsibility Act is amended to read hereafter as follows:

"Section 10. 'Cash' Security deposited in compliance with the requirements of this article shall be placed by the Department in the custody of the State Treasurer and shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than two (2) years after the date of such accident, or within two (2) years after the date of deposit of any security under Subdivision 3 of Section 7, or to the payment in settlement, agreed to by the depositor, of a claim or claims arising out of such accident. Such deposit or any balance thereof shall be returned to the depositor or his personal representative when evidence satisfactory to the Department has been filed with it that there has been a release from liability, or a final adjudication of nonliability, or a duly acknowledged agreement, in accordance with Subdivision 4 of Section 6, or whenever, after the expiration of two (2) years from the date of the accident, or within two (2) years after the date of deposit of any security under Subdivision 3 of Section 7, the Department shall be given reasonable evidence that there is no such action pending and no judgment rendered in such action left unpaid."

Sec. 11. Section 11 of Article III of the Texas Motor Vehicle Safety-Responsibility Act is amended to read hereafter as follows:

"Section 11. Upon the filing of the report required by Section 4, the ac-

tion taken by the Department pursuant to this article, the findings, if any, of the Department upon which such action is based, nor the security or proof of financial responsibility filed as provided in this article shall be referred to in any way, nor be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages."

Sec. 12. Section 13 of Article IV of the Texas Motor Vehicle Safety-Responsibility Act is amended to read hereafter as follows:

"Section 13. (a) Upon the receipt of a certified copy of a judgment, the Department shall forthwith suspend the license and all registrations and any nonresident's operating privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this Section and in Section 16 of this Act.

(b) If the judgment creditor consents in writing, in such form as the Department may prescribe, that the judgment debtor be allowed license and registration or nonresident's operating privilege, the same may be allowed by the Department, in its discretion, for six (6) months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in Section 16, provided the judgment debtor furnishes proof of financial responsibility.

(c) Notwithstanding any other provision of this Act any person whose license, registration or nonresident's operating privilege has been suspended, or is about to be suspended or shall become subject to suspension under this Article, may relieve himself from the effect of the judgment by filing with the Department satisfactory evidence that there was in effect at the time of the accident out of which the judgment arose a policy of liability insurance covering the operation of the motor vehicle involved and filing with the Department an affidavit stating that at the time of the accident upon which the judgment has been rendered he was insured, that the insurer is liable to pay such judgment, and the reason, if known, why the insurance company has not paid the judgment. He shall also file the original policy of insurance or a certified copy thereof, if available, and such

other documents as the Department may require to show that the loss, injury, or damage for which the judgment was rendered, was covered by the policy of insurance.

If the Department is satisfied from such papers that the insurer was authorized to issue the policy of insurance in this State at the time of issuing the policy and that such insurer is liable to pay such judgment, at least to the extent and for the amounts provided in this Article, the Department shall not suspend the license, registration or nonresident's operating privilege, or if already suspended, shall reinstate them.

Any person whose license, registration or nonresident's operating privilege has heretofore been suspended under the provisions of this Article may take advantage of this section."

Sec. 13. Section 15 of Article IV of the Texas Motor Vehicle Safety-Responsibility Act is amended to read hereafter as follows:

"Section 15. Judgments herein referred to shall, for the purpose of this Act only, be deemed satisfied:

"1. When Ten Thousand Dollars (\$10,000) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

"2. When, subject to such limit of Ten Thousand Dollars (\$10,000) because of bodily injury to or death of one person, the sum of Twenty Thousand Dollars (\$20,000) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two (2) or more persons as the result of any one accident; or

"3. When Five Thousand Dollars (\$5,000) has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident;

"Provided, however, payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section."

Sec. 14. Section 17 of Article IV of the Texas Motor Vehicle Safety-Responsibility Act is amended to read hereafter as follows:

"Section 17 (a) Whenever the Department, under any law of this State, suspends or revokes the license of any person upon receiving record of a conviction or a forfeiture of bail, the Department shall also suspend the registrations for all motor vehicles registered in the name of such person, and whenever the Department shall receive record of a plea of guilty to any offense the conviction for which the Department is required to suspend or revoke the license of any person, the Department shall immediately suspend the registrations for all motor vehicles registered in the name of such person, except that the Department shall not suspend any such registrations, unless otherwise required by law, if such person has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles registered by such person.

"(b) Whenever the Department under any law of this State, suspends or revokes the license of any person upon receiving record of a conviction or suspends the registrations of any person upon receiving record of a plea of guilty, and such person was not the owner of the motor vehicle used at the time of the violation resulting in the conviction or the plea of guilty, the Department shall also suspend the license and all registrations in the name of the owner of the motor vehicle so used, if such vehicle was operated with such owner's permission or consent at the time of the violation unless such owner has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles registered by any such person.

"(c) Licenses and registrations suspended or revoked under this section shall remain suspended or revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person until permitted under the Motor Vehicle Laws of this State and not then unless and until he shall give and thereafter maintain proof of financial responsibility.

"(d) If a person is not licensed but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for (or pleads guilty to any

such offense) any offense requiring the suspension or revocation of license, or for operating a motor vehicle upon the highways without being licensed to do so, or for operating an unregistered motor vehicle upon the highways, no license shall thereafter be issued to such person and no motor vehicle shall continue to be registered or thereafter be registered in the name of such person until he shall give and thereafter maintain proof of financial responsibility.

"(e) Whenever the Department suspends or revokes a non-residents operating privilege by reason of a conviction, forfeiture of bail or a plea of guilty, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility."

Sec. 15. Subsections (a) and (b) of Section 21 of Article IV of the Texas Motor Vehicle Safety-Responsibility Act are amended to read hereafter as follows:

"Section 21. (a) A 'motor vehicle liability policy' as said term is used in this Act shall mean an owner's or an operator's policy of liability insurance, certified as provided in Section 19 or Section 20 as proof of financial responsibility, and issued, except as otherwise provided in Section 20, by an insurance company duly authorized to write motor vehicle liability insurance in this State, to or for the benefit of the person named therein as insured.

"(b) Such owner's policy of liability insurance:

"1. Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

"2. Shall pay on behalf of the insured named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, all sums which the insured shall become legally obligated to pay as damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: Ten Thousand Dollars (\$10,000) because of

bodily injury to or death of one person in any one accident and, subject to said limit for one person, Twenty Thousand Dollars (\$20,000) because of bodily injury to or death of two (2) or more persons in any one accident, and Five Thousand Dollars (\$5,000) because of injury to or destruction of property of others in any one accident."

Sec. 16. Section 25 of Article IV of the Texas Motor Vehicle Safety-Responsibility Act is amended to read hereafter as follows:

"Section 25 (a) Proof of financial responsibility may be evidenced by the certificate of the State Treasurer that the person named therein has deposited with him Twenty-five Thousand Dollars (\$25,000) in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of Twenty-five Thousand Dollars (\$25,000). The State Treasurer shall not accept any such deposit and issue a certificate therefor and the Department shall not accept such certificate, unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

"(b) Such deposit shall be held by the State Treasurer to satisfy, in accordance with the provisions of this Act, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid."

Sec. 17. Section 28 of Article IV of the Texas Motor Vehicle Safety-Responsibility Act is amended to read hereafter as follows:

"Section 28. Whenever any proof of financial responsibility filed under the provisions of this Act no longer fulfills the purposes for which required, the Department shall for the purpose of this Act, require other proof as required by this Act and shall suspend the license and all registrations or any nonresident's operat-

ing privilege pending the filing of such other proof."

Sec. 18. Section 29 of Article IV of the Texas Motor Vehicle Safety-Responsibility Act is amended to read hereafter as follows:

"Section 29. The Department shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the Department shall direct and the State Treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this Act as proof of financial responsibility, or the Department shall waive the requirement of filing proof, in any of the following events:

"1. At any time after five (5) years from the date such proof was required when, during the five-year period preceding the request, the Department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration or nonresident's operating privilege of the person by or for whom such proof was furnished; or

"2. In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle or

"3. In the event the person who has given proof surrenders his licence and registration to the department;

"Provided, however, that the Department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within two (2) years immediately preceding such request, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the non-existence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the Department.

"Whenever any person whose proof has been cancelled or returned under Subdivision 3 of this Section applies for a license or registration within a period of five (5) years from the date proof was originally required, any such application shall be refused unless the applicant shall re-establish such proof for the remainder of such five-year period."

Sec. 19. Section 31 of Article V of the Texas Motor Vehicle Safety-Responsibility Act is amended to read as follows:

"Section 31. Any person whose license or registration shall have been suspended as herein provided, or whose policy of insurance or bond, when required under this Act, shall have been cancelled or terminated, or who shall neglect to furnish other proof upon request of the Department shall immediately return his license and registration to the Department. If any person shall fail to return to the Department the license or registration as provided herein, the Department shall forthwith direct any peace officer to secure possession thereof and to return the same to the Department, and the Department shall send a certified copy of the act or order of the Department requiring the return of the license or registration to the sheriff of the county of the person's last known address. The sheriff or his deputy shall immediately upon receipt of the certified copy secure possession of the license or registration and return the same to the Department. The director of the Department of Public Safety or a person designated by him shall file a complaint in any court of competent jurisdiction under Subsection (d) of Section 32 against any person who he has reason to believe has wilfully failed to return license or registration as required herein."

Sec. 20. Subsection (b) of Section 32 of Article V of the Texas Motor Vehicle Safety-Responsibility Act is amended to read as follows:

"(b) Any person who gives information required in a report or otherwise as provided for in Section 4, knowing or having reason to believe that such information is false, or who shall forge or, without authority, sign any evidence of proof of financial responsibility, or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without

authority, shall be fined not more than One Thousand Dollars (\$1,000) or imprisoned for not more than one year, or both."

Sec. 21. Section 32 of Article V of the Texas Motor Safety-Responsibility Act is amended by adding thereto a new Subsection to be known as (f) which shall read as follows:

"(f) Any person who is required to maintain proof of financial responsibility under this Act and who, during the period financial responsibility is required to be maintained, drives any motor vehicle owned by him upon any highway or knowingly permits any motor vehicle owned by him to be operated by another upon any highway, except as permitted under this Act, when proof of financial responsibility is not in force, shall be fined not more than Five Hundred Dollars (\$500) or imprisoned not exceeding six (6) months, or both."

Sec. 22. Section 32 of Article V of the Texas Motor Vehicle Safety-Responsibility Act is amended by adding thereto a new subsection to be known as (g) which shall read as follows:

"(g) Any case now or hereafter pending on the docket of any court involving prosecution under any provision of this Act shall be given precedence on the docket of such court and prosecution shall proceed with all due diligence."

Sec. 23. This Act shall take effect and be in force from and after January 1, 1964.

Sec. 24. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 25. The fact that many innocent victims of traffic accidents are unable to obtain adequate compensation for injuries and damages due to the financial inability of the responsible party to respond in damages creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended and this rule is hereby suspended, and that this Act take effect and be in force from and after January 1, 1964, and it is so enacted.

The committee report was read and was adopted. of laws in conflict herewith; and declaring an emergency."

Record of Votes

Senators Watson, Strong, Harde-
man, Ratliff, Blanchard, Crump, Cal-
houn, Owen, Patman, Hazlewood,
Word and Schwartz asked to be re-
corded as voting "Nay" on the adop-
tion of the Conference Committee Re-
port on H. B. No. 48.

Report of Standing Committee

Senator Creighton by unanimous
consent submitted the following re-
port:

Austin, Texas,
May 16, 1963.

Hon. Preston Smith, President of the
Senate.

Sir: We, your Committee on Coun-
ties, Cities and Towns, to whom was
referred H. B. No. 410, have had the
same under consideration, and we are
instructed to report it back to the
Senate with the recommendation that
it do pass, as amended, and be printed.

CREIGHTON, Vice-Chairman.

Bills and Resolution Signed

The President signed, in the pres-
ence of the Senate, after the captions
had been read, the following enrolled
bills and resolution:

H. B. No. 180, A bill to be entitled
"An Act to establish the County
Criminal Court of Appeals of Tarrant
County, Texas, to define the jurisdic-
tion thereof and to conform to such
change the jurisdiction of the County
Court of Tarrant County, the County
Criminal Court of Tarrant County and
the County Criminal Court No. 1 of
Tarrant County; etc.; and declaring
an emergency."

H. B. No. 937, A bill to be entitled
"An Act creating 'River Plantation
Municipal Utility District of Mont-
gomery County'; etc.; and declaring
an emergency."

H. B. No. 527, A bill to be entitled
"An Act amending Acts 1959, 56th
Legislature, Page 56, Chapter 31, to
provide additional compensation for
the Judge of the Court of Domestic
Relations of Nueces County to be paid
out of the General Funds of Nueces
County; repealing all laws or parts

H. B. No. 626, A bill to be entitled
"An Act permitting the taking of
nutria in Marion and Morris Coun-
ties; amending Section 1, of Chapter
91, Acts of the 52nd Legislature, Reg-
ular Session, 1951, which prohibits the
taking of nutria in certain waters in
Harrison and Marion Counties, so as
to remove Marion County from the
scope of the Act; etc.; and declaring
an emergency."

H. B. No. 587, A bill to be entitled
"An Act amending Article 1522 of the
Penal Code of Texas, 1925, relating
to refusal to allow reportedly dis-
eased livestock to be examined by the
Texas Animal Health Commissioner;
and declaring an emergency."

H. B. No. 777, A bill to be entitled
"An Act amending Section 84, of
Chapter 520, of Acts of the 51st Legis-
lature, 1949 (Section 9 of Article
1970-110A Vernon's Revised Civil
Statutes of Texas), to provide for the
execution of a bond in the sum of
\$100,000.00, by probate Judge of Har-
ris County, Texas, and the taking of
the oath as provided for the County
Judge of Harris County, Texas; and
declaring an emergency."

H. B. No. 734, A bill to be entitled
"An Act validating certain levies for
ad valorem taxes heretofore made by
the governing bodies of certain cities
and towns in this State; making other
provisions relating thereto; providing
that this Act shall not affect any suit
pending in any court of this State on
the effective date of this Act; provid-
ing a severability clause; and declar-
ing an emergency."

H. B. No. 228, A bill to be entitled
"An Act providing that the Depart-
ment of Welfare shall be responsible
in certain instances for finding fa-
thers who desert their families and
fail to support their children; provid-
ing for the mother's or guardian's
responsibility; providing for sever-
ability; and declaring an emergency."

H. B. No. 488, A bill to be entitled
"An Act amending Section 10 of
Chapter 76, Acts of the Forty-third
Legislature, 1933, as amended (com-
piled as Section 10 of Article 7807r,
Vernon's Texas Civil Statutes), re-
lating to Board of Directors of Wa-

ter Power Control District and the terms of such Directors, to provide that Directors shall receive compensation for their services in the sum of Twenty-five Dollars (\$25) for each and every day taken in the discharge of their duties; and declaring an emergency."

H. B. No. 367, A bill to be entitled "An Act creating two additional County Courts of Dallas County at Law to be known and designated as County Court of Dallas County at Law Number 3 and County Court of Dallas County at Law Number 4, providing the term and jurisdiction of said courts; etc.; and declaring an emergency."

H. B. No. 579, A bill to be entitled "An Act amending Chapter 6 of Title 13 of the Penal Code of Texas, 1925, by adding thereto an Article 978e-1; permitting the sale in Texas of black bass imported from without the United States so long as the fish are properly tagged as provided herein; providing a penalty for sale of black bass not properly tagged; etc.; and declaring an emergency."

H. B. No. 970, A bill to be entitled "An Act creating and establishing Bowie County Road District No. 1-A, in Bowie County, Texas; etc.; and declaring an emergency."

H. B. No. 992, A bill to be entitled "An Act relating to the establishment of a hospital district coterminous with the Sweeney Independent School District and another coterminous with the West Columbia-Brazoria Independent School District, and the Damon Independent School District; etc.; and declaring an emergency."

H. B. No. 736, A bill to be entitled "An Act to validate independent school districts created under the provisions of Article 2757, Revised Civil Statutes of Texas of 1925, as amended, having less than two hundred (200) scholastics and located in counties having two (2) or more artificial lakes constructed by the United States of America, under the direction of the United States Army Corps of Engineers, validating the boundaries of such independent school districts and providing that no changes in boundaries shall be made by order of the County School Board unless previously approved by the

Board of Trustees of such independent school districts; etc.; and declaring an emergency."

H. B. No. 572, A bill to be entitled "An Act amending Chapter 402, Acts of the Fifty-fifth Legislature, Regular Session (Vernon's Texas Civil Statutes, Article 6228a), pertaining to the Employees Retirement System of Texas, amending Section 5, Subsection C, to provide for the calculation of occupational disability retirement benefits; etc.; and declaring an emergency."

H. B. No. 760, A bill to be entitled "An Act declaring State Policy on the interstate character of goods, wares and merchandise and respecting the taxable status thereof; providing a severability clause; and declaring an emergency."

H. C. R. No. 37, Authorizing the Governor of the State of Texas to execute a lease to the City of Austin of certain land for public recreational purposes.

H. B. No. 786, A bill to be entitled "An Act authorizing the creation of a Hospital District comprising all of Titus County, Texas, and the assumption of all outstanding indebtedness of Titus County incurred for hospital purposes, etc., and declaring an emergency."

H. B. No. 621, A bill to be entitled "An Act amending Article 1689 of the Revised Civil Statutes of Texas, 1925, to provide that Commissioners Courts may contract with private libraries in certain cases to furnish county free library services in areas not adequately served by the county free library; and declaring an emergency."

H. B. No. 512, A bill to be entitled "An Act making it unlawful to take or catch any white perch, crappie, or any kinds of bass by use of a set net or seine; providing a penalty for violation; and declaring an emergency."

H. B. No. 1013, A bill to be entitled "An Act providing for the creation of West Coke County Hospital District with boundaries coextensive with the boundaries of Commissioners' Precincts 1 and 3 of Coke County, pursuant to authority granted by Sec-

tion 9 of Article IX of the Texas Constitution; etc.; and declaring an emergency."

H. B. No. 995, A bill to be entitled "An Act abolishing Junior College Districts which have conveyed all or substantially all of their property to a State supported Senior College or University, and which have not outstanding bonded indebtedness; providing for the continued collection and disposition of delinquent taxes in said Junior College Districts; repealing all laws and parts of laws in conflict herewith; providing a severability clause; and declaring an emergency."

H. B. No. 713, A bill to be entitled "An Act amending Section 1 of Chapter 247, Acts of the 56th Legislature, 1959, to prohibit the use of bait trawls in the tidal waters of Willacy County west of Padre Island with a mesh size less than one and one-fourth (1¼) inch stretch between the knots; etc.; and declaring an emergency."

H. B. No. 580, A bill to be entitled "An Act applying only to Jasper, Newton, Tyler, Hardin, Polk, San Jacinto, Trinity and Orange Counties making it lawful to use dogs in hunting game during open season in such counties; etc.; and declaring an emergency."

H. B. No. 590, A bill to be entitled "An Act limiting the provisions of this Act to Sabine County, Texas; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any game bird or game animal in said area; providing that the open season or period of time when it shall be lawful to hunt, take, kill or possess any game bird or game animal in Sabine County shall be the same as the open season provided in Jasper, Newton and Tyler Counties; etc.; and declaring an emergency."

H. B. No. 636, A bill to be entitled "An Act amending Section 1 of Chapter 125, Acts of the 52nd Legislature, Regular Session, 1951, as amended, so as to remove Red River County from the scope of the general regulatory authority of the Texas Game and Fish Commission; etc.; and declaring an emergency."

House Bill 410 Ordered Not Printed

On motion of Senator Parkhouse

and by unanimous consent H. B. No. 410 was ordered not printed.

House Bill 413 on Second Reading

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 413, A bill to be entitled "An Act amending Chapter 461 of the 54th Legislature, Page 1182 of the Session Laws of 1955, known as Art. 5118a of the Revised Civil Statutes of Texas; providing that in order to encourage county jail discipline, a distinction may be made in the term of prisoners so as to extend to all such as are orderly, industrious and obedient, comforts and privileges according to their deserts; etc., and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 413 on Third Reading

Senator Creighton moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 413 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Absent—Excused

Hall

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Calhoun and Spears asked to be recorded as voting "Nay" on the final passage of H. B. No. 413.

Senate Concurrent Resolution 80

Senator Dies offered the following resolution:

S. C. R. No. 80, Authorizing Enrolling Clerk to make certain corrections in H. B. No. 500.

Whereas, House Bill No. 500 has finally passed both the House and Senate and is now in the House Enrolling Room; and

Whereas, For the purpose of clarification certain minor corrections are necessary; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, That the Engrossing and Enrolling Clerk of the House be and is hereby directed to insert the words "at Houston" after the words "The University of Texas Graduate School of Biomedical Science," "Graduate School of Biomedical Sciences," and "The University of Texas Postgraduate School of Medicine" wherever they appear in said bill; and, in Section 1 of said bill insert the words "having an M.D. degree or Ph.D. degree in one of the Biomedical Sciences" before the word "who" as said word first appears in the second sentence of said Section.

The resolution was read.

On motion of Senator Dies and by unanimous consent the resolution was considered immediately and was adopted.

Senate Bill 85 with House Amendments

Senator Watson called S. B. No. 85 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Watson moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the

differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill:

Senators Watson, chairman; Calhoun, Ratliff, Reagan and Parkhouse.

Committee Substitute House Bill 203 on Second Reading

Senator Krueger asked unanimous consent to suspend the regular order of business and take up C. S. H. B. No. 203 for consideration at this time.

There was objection.

Senator Krueger then moved to suspend the regular order of business and take up C. S. H. B. No. 203 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Ratliff
Crump	Reagan
Hardeman	Richter
Hazlewood	Rogers
Kennard	Spears
Krueger	Strong
Moffett	Word

Nays—9

Bates	Kazen
Cole	Patman
Dies	Schwartz
Harrington	Watson
Herring	

Absent

Blanchard

Absent—Excused

Hall

The President laid before the Senate on its second reading and passage to third reading:

C. S. H. B. No. 203, A bill to be entitled "An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended, Chapter 482, Acts of the 44th Legislature.

Third Called Session, 1936, as amended, and as embraced in Section 5 providing for disqualification for benefits by adding a new subsection to be known as (g) providing that an individual shall be disqualified for benefits for any benefit period with respect to which he is receiving or has received or is eligible to receive remuneration in the form of old age benefits under Title II of the Social Security Act, as amended, or similar payments under any Act of Congress, or a State Legislature; specifically repealing subsection (e) (3) of Section 5; providing for an effective date for this Act; and declaring an emergency."

The bill was read the second time.

Senator Strong offered the following amendment to the bill:

Amend Section 1 of Committee Substitute House Bill No. 203 by striking out all of said Section 1 and substituting in lieu thereof the following:

"Section 1. That Section 5 of the Texas Unemployment Compensation Act, as amended, Chapter 482, Acts of the 44th Legislature, Third Called Session, 1936, as amended, be amended by adding a new subsection (h) to read as follows:

'DISQUALIFICATION FOR BENEFITS

'Section 5. An individual shall be disqualified for benefits:

'(g) For any benefit period with respect to which he is receiving or has received remuneration in the form of Old Age Benefits under Title II of the Social Security Act, as amended, or similar payments under any Act of Congress or a State Legislature, provided that if such remuneration is less than the benefits which would otherwise be due under this Act, he shall be entitled to receive for such benefit period, if otherwise eligible, benefits reduced by the amount of such remuneration. It is further provided that no individual shall be entitled to dual payments for the same benefit period, and any claimant who has drawn unemployment benefits for one or more benefit periods and later receives payments of Old Age Benefits under Title II of the Social Security Act, as amended, or similar payments under any Act of Congress or State Legislature for the same benefit period or periods, shall refund to the Commission that amount of unem-

ployment benefits to which he was not entitled which was paid to him during the benefit periods for which he received dual payments. If any such benefits payable under this subsection, after being reduced by such amount of remuneration, are not an even multiple of One Dollar (\$1.00), they shall be adjusted to the next higher multiple of One Dollar (\$1.00).

The amendment was read and was adopted.

Senator Herring offered the following amendment to the bill:

Amend Section 5, Paragraph (h), line 40, by: Changing semicolon to comma after the word Legislature and adding the words:

"and has applied for old age benefits or such similar payments;"

The amendment was read.

Senator Krueger raised a point of order that the amendment sent up by Senator Herring was not germane.

The President sustained the point of order.

On motion of Senator Krueger and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

Motion to Place Committee Substitute House Bill 203 on Third Reading

Senator Krueger moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. H. B. No. 203 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—20

Aikin	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Hardeman	Rogers
Hazlewood	Spears
Krueger	Strong
Moffett	Word

Nays—8

Bates	Kazen
Dies	Patman
Harrington	Schwartz
Herring	Watson

Absent

Blanchard	Kennard
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Absent—Excused

Hall

House Bill 849 on Second Reading

On motion of Senator Kazen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 849, A bill to be entitled "An Act to authorize the establishment of a hospital district co-extensive with the boundaries of Brooks County upon election by the qualified property taxpaying voters of said County providing that this Act shall repeal all laws in conflict herewith; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 849 on Third Reading

Senator Kazen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 849 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Absent—Excused

Hall

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Absent—Excused

Hall

House Joint Resolution 4
on Second Reading

Senator Watson asked unanimous consent to suspend the regular order of business and take up H. J. R. No. 4 for consideration at this time.

There was objection.

Senator Watson then moved to suspend the regular order of business and take up H. J. R. No. 4 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Kennard
Bates	Krueger
Blanchard	Ratliff
Calhoun	Reagan
Cole	Richter
Colson	Rogers
Creighton	Schwartz
Crump	Spears
Dies	Strong
Harrington	Watson
Herring	Word

Nays—4

Hardeman	Parkhouse
Owen	Patman

Absent

Hazlewood	Moffett
Kazen	Moore

Absent—Excused**Hall**

The President laid before the Senate on its second reading and passage to third reading:

H. J. R. No. 4, Proposing an amendment to the Constitution of the State of Texas relating to term of office of Members of the House.

The resolution was read second time.

(Senator Owen in the Chair.)

On motion of Senator Watson and by unanimous consent H. J. R. No. 4 was set as Special Order on Monday, May 20, at 11:00 o'clock a.m.

(President in the Chair.)

House Bill 162 on Second Reading

Senator Kennard asked unanimous consent to suspend the regular order of business and take up H. B. No. 162 for consideration at this time.

There was objection.

Senator Kennard then moved to suspend the regular order of business and take up H. B. No. 162 for consideration at this time.

The motion prevailed by the following vote:

Yeas—19

Aikin	Kennard
Bates	Moffett
Blanchard	Parkhouse
Calhoun	Patman
Cole	Reagan
Colson	Richter
Harrington	Schwartz
Hazlewood	Strong
Herring	Word
Kazen	

Nays—7

Crump	Owen
Dies	Rogers
Hardeman	Watson
Krueger	

Absent

Creighton	Ratliff
Moore	Spears

Absent—Excused**Hall**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 162, A bill to be entitled "An Act amending Subsection (1) of Section 9 of the Uniform Narcotic Drug Act, Chapter 169, Acts of the Forty-fifth Legislature, Regular Session, 1937, as last amended by Chapter 225, Acts of the Forty-eighth Legislature, 1943 (compiled as Subsection (1), Section 9 of Article 725b, Vernon's Texas Penal Code), so as to place paregoric within the list of narcotic drugs to be sold by prescription only; and declaring an emergency."

The bill was read second time and was passed to third reading.

Record of Votes

Senators Hardeman, Krueger, Owen and Watson asked to be recorded as voting "Nay" on passage of H. B. 162 to third reading.

Motion to Place House Bill 162 on Third Reading

Senator Kennard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 162 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—19

Aikin	Kennard
Bates	Moffett
Blanchard	Parkhouse
Calhoun	Patman
Cole	Reagan
Colson	Richter
Harrington	Schwartz
Hazlewood	Strong
Herring	Word
Kazen	

Nays—7

Crump	Owen
Dies	Rogers
Hardeman	Watson
Krueger	

Absent

Creighton	Ratliff
Moore	Spears

Absent—Excused

Hall

Committee Substitute
House Bill 109 on Second Reading

On motion of Senator Bates and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. B. No. 109, A bill to be entitled "An Act amending Chapter 187, Acts of the Fifty-sixth Legislature, Regular Session, 1959, Texas Shrimp Conservation Act, to clarify the research, investigations and studies to be conducted by and under the direction of the Game and Fish Commission; to change the definition of certain words and phrases; to eliminate certain words, phrases and definitions; to add certain words, phrases and definitions; to make certain acts illegal; to prescribe various enforcement and licensing procedures and regulations; to prescribe certain conditions, times and places under which shrimp may be caught or taken, and exceptions thereto; to regulate the selling and disposition of certain shrimp; to prescribe certain penalties and forfeitures; to repeal all laws or parts of law in conflict to the extent of such conflict; to provide a saving clause; and declaring an emergency."

The bill was read second time.

Senator Harrington offered the following amendment to the bill:

Amend H. B. 109 by adding at the end of Section 7 (g) thereof, the following words:

Provided, further, that it shall be unlawful for any person taking or catching seabobs under this provision to take or catch, or have on board a vessel, any other species of shrimp which shall exceed ten percent (10%), in weight or numbers, of the entire catch.

The amendment was read and was adopted.

Senator Harrington offered the following amendment to the bill:

Amend Section 1 of the Committee Substitute for House Bill No. 109, paragraph 3 of subsection (h) of quoted Section 6, lines 40 through

42 of page 7 in the printed Committee Substitute by deleting the following: "except during the period beginning December 16th of each year and ending August of the following year, both dates inclusive."

The amendment was read.

On motion of Senator Bates the amendment was tabled.

On motion of Senator Bates and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

Committee Substitute
House Bill 109 on Third Reading

Senator Bates moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. H. B. No. 109 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Bates	Owen
Blanchard	Parkhouse
Cole	Patman
Colson	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Spears
Kazen	Strong
Kennard	Watson
Krueger	Word

Nays—1

Harrington

Absent

Calhoun	Moore
Creighton	

Absent—Excused

Hall

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Krueger
Bates	Moffett
Blanchard	Owen
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crumpp	Richter
Dies	Rogers
Hardeman	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Nays—1

Harrington

Absent

Moore

Absent—Excused

Hall

Conference Committee Report
on House Bill 688

Senator Moffett submitted the following Conference Committee Report on H. B. No. 688:

Austin, Texas,
May 14, 1963.

Hon. Preston Smith, President of the Senate:

Hon. Byron Tunnell, Speaker of the House of Representatives:

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives, on H. B. No. 688, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MOFFETT
PARKHOUSE
AIKIN
RATLIFF
CREIGHTON,

On the part of the Senate.

DOKE
BUTLER
STEWART
COOK
JARVIS

On the part of the House.

H. B. No. 688

A BILL
TO BE ENTITLED
AN ACT authorizing and directing

the Board for Texas State Hospitals and Special Schools, acting by the Executive Director thereof, to execute and deliver to Midwestern University of Wichita Falls, Texas, a State-owned University, all rights and title to certain tracts of land located in Wichita County, Texas, and declaring an emergency.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. In consideration of the benefits accruing to the state from the maintenance of a first class University in that area, the Board for Texas State Hospitals and Special Schools, acting by its Executive Director, is hereby authorized and directed to execute and deliver to Midwestern University in Wichita Falls, Texas, a proper instrument conveying thereto all rights and title to the following described tracts of land, none of which is within two hundred (200) yards of any permanent building of said Hospital, the form of such conveyance to be approved by the Attorney General:

Plots No. 1 and 2 of the Wichita Falls State Hospital, Wichita County, Texas, described in 1 tract as follows:

Being 98.88 acres of land, more or less, out of the John A. Scott Survey No. 6, Abstract No. 301, and the John A. Scott Survey No. 7, Abstract No. 295, Wichita County, Texas, and more particularly described as follows:

Beginning at a point in a westerly line of the John A. Bingham tract, said point bearing N 89°45' E a distance of 231.0 feet, more or less, from the northwest corner of the S W $\frac{1}{4}$ of the John A. Scott Survey No. 7;

Thence N 07°02' W with said westerly line of the Bingham tract a distance of 202.4 feet, more or less, to a corner;

Thence N 48°19' E along a southwesterly line of said Bingham tract a distance of 579.1 feet, more or less, to a corner;

Thence S 01°59' E a distance of 556.7 feet, more or less, to a corner;

Thence N 89°47' E 660.2 feet, more or less, to the southwest corner of a 20.12 acre tract conveyed to State of Texas by Kemp and Kell by deed, Vol. 95, page 193, Deed Records of Wichita County, Texas;

Thence N 00°34½' W 1,324 feet, more or less, to the northwest corner of said 20.12 acre tract;

Thence N 89°51' E 658.5 feet, more or less, to the northeast corner of said 20.12 acre tract;

Thence S 00°37' E 1,323.5 feet, more or less, to the southeast corner of said 20.12 acre tract;

Thence N 89°52' E. 659.7 feet, more or less, to a point being the northeast corner of the S E $\frac{1}{4}$ of the John A. Scott Survey No. 7, said point being the northeast corner of that tract of land conveyed to State of Texas by Kemp and Kell and described by deed, Vol. 95, page 195, Deed Records of Wichita County, Texas;

Thence S 00°07' W 399.6 feet, more or less, to a corner;

Thence N 89°55' W 2,280 feet, more or less, to a corner;

Thence S 37°13 $\frac{1}{2}$ ' W a distance of 2,968.6 feet, more or less, to a corner in the northeasterly line of the F. W. and D Railroad right-of-way;

Thence along the northeasterly line of said right-of-way the following three courses:

1. In a northwesterly direction along a curve to the right, said curve having a radius of 2,764.8 feet and a central angle of 2°00', a distance of 96.5 feet;

2. N 48°14' E a distance of 50.0 feet;

3. In a northwesterly direction along a curve to the right, said curve having a radius of 2,714.8 feet and a central angle of 4°35', a distance of 217.2 feet to a point in the westerly line of a county road called Lake Park Drive;

Thence in a northeasterly direction along said westerly line of Lake Park Drive with a curve to the left, said curve having a radius of 332.68 feet and a central angle of 90°34', a distance of 524.0 feet;

Thence N 39°42' W and continuing with said westerly line of Lake Park Drive, a distance of 192.7 feet to the beginning of a curve to the right;

Thence along said curve to the right and with said westerly line of Lake Park Drive, said curve having a radius of 855.5 feet and a central angle of 74°10', a distance of 1,106.8 feet to the end of said curve;

Thence S 55°32' E a distance of 60.0 feet to a corner in the easterly line of Lake Park Drive;

Thence in a southwesterly direction with said easterly line of Lake Park Drive along a curve to the left, said curve having a radius of 795.5 feet and a central angle of 3°30', a distance of 48.6 feet to the most

westerly corner of above stated John A. Bingham tract;

Thence with the following described nine (9) courses along southwesterly lines of the said John A. Bingham tract to the place of beginning:

1. N 87°19'E, 235.2 feet, more or less;

2. S 66°31'E, 282.1 feet, more or less;

3. N 72°36'E, 189.2 feet, more or less;

4. N 21°08'E, 465.0 feet, more or less;

5. S 81°41'E, 296.8 feet, more or less;

6. N 39°11'E, 257.5 feet, more or less;

7. N 69°56'E, 535.1 feet, more or less;

8. N 80°19'E, 106.3 feet, more or less;

9. N 07°-2'W, 114.5 feet, more or less, to the place of beginning.

Plots 3, 4, 5, and the plot immediately west of 5 of the Wichita Falls State Hospital, Wichita County, Texas, described as follows:

Being 337.63 acres of land, more or less, out of Block 1, Kemp and Newby Sub. of Cherokee County School Lands, and being more particularly described as follows:

Beginning at the northeast corner of the SE $\frac{1}{4}$ of the John A. Scott Survey No. 7, said point being the northeast corner of that tract of land conveyed to the State of Texas by Kemp & Kell, and described by deed recorded in Vol. 95, page 195, Deed Records of Wichita County, Texas;

Thence N 00°04 $\frac{1}{2}$ ' E 1,230.0 feet, more or less, with the west line of said Block 1, Kemp and Newby Sub. of Cherokee County School Lands, to the northwest corner of said Block 1;

Thence S 89°55' E 3525.3 feet, more or less, with the north line of said Block 1, to the northwest corner of that certain 31.6 acre tract conveyed to the Texas State Highway Department by the Board for Texas State Hospitals and Special Schools, July 21, 1958:

Thence S 00°17' E 2,000.0 feet, more or less, with the west line of said Highway Department tract to the southwest corner of same;

Thence S 89°55' E 700.0 feet, more or less, to a point in the east line of said Block 1, said point being the southeast corner of said Highway Department tract;

Thence S 00°17' E 1,065.9 feet, more or less, with the east line of said Block 1, to a corner in the northwest line of Texas Highway No. 79;

Thence S 46°19' W with the northwest line of Texas Highway No. 79, a distance of 1,160.7 feet, more or less, to a corner;

Thence N 89°56½' W 1,196 feet, more or less, to a corner;

Thence S 0°17' E 27.5 feet, more or less, to a point in the center of a road;

Thence N 89°56½' W 2199.8 feet, more or less, with the center of said road to a point for corner in the west line of the Cherokee County School Land Survey;

Thence N 00°07' E 2666.9 feet, more or less, with the west line of said School Land Survey, to a point of beginning.

Plot 6 of the lands of the Wichita Falls State Hospital, Wichita County, Texas, described as follows:

Being 83.32 acres of land out of the D. L. & C. Co. Survey, Abstract 613, Wichita County, Texas, and the Harvey Cox Survey, Abstract 67, Archer County, Texas, and more particularly described as follows:

Beginning at the northeast corner of the D. L. & C. Co. Survey, described in Vol. 37, page 403, Deed Records of Wichita County, Texas;

Thence S 00°15' E, 3,251.2 feet, more or less, with the east lines of said D. L. & C. Co. Survey and the said Harvey Cox Survey to a point for corner;

Thence S 89°33' W, 1,586.0 feet, more or less, to a point in the northeast line of the W. F. and D. Railroad right-of-way;

Thence N 26°14' W with said northeast line a distance of 196.2 feet, more or less, to a corner;

Thence east a distance of 224.0 feet, more or less, to a corner;

Thence N 26°14' W, 552.0 feet, more or less, to a corner;

Thence S 63°46' W, 200.9 feet, more or less, to a corner in the northeast line of the W. F. and D. Railroad right-of-way;

Thence N 26°14' W with said right-of-way line a distance of 158.6 feet, more or less, to a corner;

Thence N 37°13½' E, 3,188.7 feet, more or less, to the place of beginning.

Sec. 2. The fact that the above described lands, formerly used for grazing, are of no further use to the Wichita Falls State Hospital, either now or in the foreseeable future, and the

fact that Midwestern University is rapidly expanding, and has great need for said lands, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

House Bill 443 on Second Reading

On motion of Senator Calhoun and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 443, A bill to be entitled "An Act to amend Article 135 of the Revised Civil Statutes, 1925, as amended; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 443 on Third Reading

Senator Calhoun moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 443 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

Nays—1

Rogers

Absent—Excused**Hall**

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 410 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 410, A bill to be entitled "An Act creating an additional Probate Court in Dallas County to be known as Probate Court Number 2 of Dallas County; etc.; and declaring an emergency."

The bill was read second time.

Senator Parkhouse offered the following committee amendment to the bill:

Amend House Bill No. 410 by inserting a new section following Section 13 to be numbered "Section 13a," and to read as follows:

"Section 13a. Regardless of any provisions of this Act to the contrary notwithstanding, the provisions of this Act shall not become effective until January 1, 1965."

The committee amendment was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 410 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rules 32 and 38 requiring bills to be read on three several days be suspended and that H. B. No. 410 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30**Aikin****Bates**

Blanchard
Calhoun
Cole
Colson
Creighton
Crump
Dies
Hardeman
Harrington
Hazlewood
Herring
Kazen
Kennard
Krueger

Moffett
Moore
Owen
Parkhouse
Patman
Ratliff
Reagan
Richter
Rogers
Schwartz
Spears
Strong
Watson
Word

Absent—Excused**Hall**

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 162 on Third Reading

Senator Kennard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 162 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin
Bates
Blanchard
Calhoun
Cole
Colson
Creighton
Dies
Harrington
Hazlewood
Herring
Kazen

Kennard
Moffett
Parkhouse
Patman
Ratliff
Reagan
Richter
Schwartz
Spears
Strong
Watson
Word

Nays—5

Crump
Hardeman
Krueger

Owen
Rogers

Absent**Moore****Absent—Excused****Hall**

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Hardeman and Owen asked to be recorded as voting "Nay" on final passage of H. B. No. 162.

House Bill 738 on Third Reading

On motion of Senator Blanchard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

H. B. No. 738, A bill to be entitled "An Act establishing, authorizing, and providing for the 'County Industrial Training School District' located in any county in this state having a population of not less than one hundred thousand (100,000) nor more than two hundred thousand (200,000) according to the last preceding federal census, so as to provide vocational training for residents and non-residents of such county; etc.; and declaring an emergency."

The bill was read third time and finally passed.

Record of Votes

Senators Owen and Crump asked to be recorded as voting "Nay" on the final passage of H. B. No. 738.

House Bill 597 on Second Reading

Senator Blanchard asked unanimous consent to suspend the regular order of business and take up H. B. No. 597 for consideration at this time.

There was objection.

Senator Blanchard then moved to suspend the regular order of business and take up H. B. No. 597 for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Cole
Bates	Colson
Blanchard	Creighton
Calhoun	Crump

Dies	Parkhouse
Hardeman	Patman
Harrington	Ratliff
Hazlewood	Reagan
Herring	Richter
Kazen	Rogers
Kennard	Schwartz
Krueger	Spears
Moffett	Watson
Owen	Word

Nays—1

Strong

Absent

Moore

Absent—Excused

Hall

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 597, A bill to be entitled "An Act declaring the public policy of the State relating to the control of forest pests; defining forest pests and declaring them to be a public nuisance; defining certain other terms; providing for the administration of this Act by the Texas Forest Service and granting to it certain powers in connection therewith; and declaring an emergency."

The bill was read second time.

Senator Strong offered the following amendment to the bill:

Amend H. B. 597 of the printed bill by striking the words, sentences and figures beginning with the word "All" on line 61, page 3, down through the period on line 12, p. 4.

The amendment was read.

On motion of Senator Blanchard the amendment was tabled.

Record of Votes

Senators Spears, Strong, and Herring asked to be recorded as voting "Nay" on the motion to table the above amendment.

Senator Creighton offered the following amendment to the bill:

Amend H. B. No. 597 by striking out Subdivision (b) of Sec. 2, and substitute in lieu thereof the following:

(b) Forest land means lands on which the trees are potentially valuable for timber products within the incorporated limits of any village, town, or city.

The amendment was read.

On motion of Senator Blanchard the amendment was tabled.

Senator Spears offered the following amendment to the bill:

Amend H. B. 597 by adding a new section to the end of Section 11 to read as follows:

"Provided, however, that the Texas Forest Service of the State of Texas, or its agents, servants or employees, shall be liable, individually and jointly, for any damage resulting in injury to the property or properties, real or personal, of the aggrieved landowner or other person having control of the forest land, as a result of entry on such land under this section."

The amendment was read.

Senator Blanchard raised the point of order that the amendment offered by Senator Spears was not proper in that it made the State liable for damages.

The President overruled the point of order.

Senator Blanchard moved to table the amendment by Senator Spears.

Question on the motion to table, Yeas and Nays were demanded.

The motion to table prevailed by the following vote:

Yeas—19

Aikin	Krueger
Blanchard	Moffett
Calhoun	Parkhouse
Cole	Ratliff
Colson	Reagan
Creighton	Richter
Dies	Schwartz
Hardeman	Watson
Hazlewood	Word
Kazen	

Nays—7

Bates	Patman
Crump	Spears
Herring	Strong
Kennard	

Absent

Harrington	Owen
Moore	Rogers

Absent—Excused

Hall

Question on passage of H. B. No. 597 to third reading, Yeas and Nays were demanded.

H. B. No. 597 was passed to third reading by the following vote:

Yeas—19

Aikin	Kennard
Blanchard	Krueger
Calhoun	Moffett
Cole	Parkhouse
Colson	Reagan
Creighton	Richter
Dies	Schwartz
Hardeman	Watson
Hazlewood	Word
Kazen	

Nays—7

Bates	Patman
Crump	Spears
Herring	Strong
Owen	

Absent

Harrington	Ratliff
Moore	Rogers

Absent—Excused

Hall

House Bill 597 on Third Reading

Senator Blanchard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 597 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Kennard
Blanchard	Krueger
Calhoun	Moffett
Cole	Parkhouse
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hardeman	Schwartz
Hazlewood	Watson
Kazen	Word

Nays—5

Bates	Patman
Herring	Strong
Owen	

Absent

Harrington	Spears
Moore	

Absent—Excused**Hall**

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Herring, Patman and Strong asked to be recorded as voting "Nay" on the final passage of H. B. No. 597.

Senate Resolution 564

Senator Rogers offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Miss Adrienne Blanchard, the charming and talented daughter of Senator and Mrs. "Doc" Blanchard; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That her presence be recognized by the Senate of Texas and that she be extended the official welcome of the Senate and named honorary Page-ette of the Senate for today.

ROGERS
HAZLEWOOD

The resolution was read and was adopted.

Senator Rogers by unanimous consent presented Miss Blanchard to the Members of the Senate and was invited to occupy a seat on the President's Rostrum.

House Concurrent Resolution 76 on Second Reading

On motion of Senator Owen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its

second reading the following resolution:

H. C. R. No. 76, Providing for sine die adjournment of the Regular Session of the Fifty-eighth Legislature at 12:00 o'clock midnight, Friday, May 24, 1963.

The resolution was read and was adopted.

Record of Vote

Senator Patman asked to be recorded as voting "Nay" on the adoption of the above resolution.

House Bill 287 Re-referred

On motion of Senator Blanchard and by unanimous consent H. B. 287 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

House Bill 634 Re-referred

On motion of Senator Owen and by unanimous consent H. B. No. 634 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

Reports of Standing Committees

Senator Crump by unanimous consent submitted the following report:

Austin, Texas,
May 16, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 524, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CRUMP, Chairman.

Senator Creighton by unanimous consent submitted the following report:

Austin, Texas,
May 15, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 327, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

CREIGHTON, Vice-Chairman.

Austin, Texas,
May 16, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 521, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Vice-Chairman.

Senate Concurrent Resolution 81

Senator Crump by unanimous consent offered the following resolution:

S. C. R. No. 81, Suspending Joint Rules to consider S. B. No. 255 at any time.

Be It Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider Senate Bill No. 255 at any time.

The resolution was read.

Senator Crump asked unanimous consent to consider the resolution immediately.

There was objection.

The resolution was then referred to the Committee on Rules.

House Bill 291 on Third Reading

Senator Cole asked unanimous consent to suspend the regular order of business and take up H. B. No. 291 for consideration at this time.

There was objection.

Senator Cole then moved to suspend the regular order of business and take up H. B. No. 291 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Kennard
Bates	Krueger
Cole	Moffett
Hardeman	Owen
Hazlewood	Parkhouse
Kazen	Patman

Reagan
Richter
Rogers
Schwartz

Spears
Strong
Watson
Word

Nays—6

Blanchard
Calhoun
Colson

Creighton
Crump
Herring

Absent

Dies
Harrington

Moore
Ratliff

Absent—Excused

Hall

The President then laid before the Senate on its third reading and final passage:

H. B. No. 291, A bill to be entitled "An Act amending Chapter 370, Acts of the 57th Legislature, Regular Session, 1961 (compiled as Article 2615g, Vernon's Texas Civil Statutes), amending Sections 7a, 10, and 11 thereof and adding a Section 10a conferring on the Board of Regents of the University of Houston the power of eminent domain; providing for severability; and declaring an emergency."

The bill was read third time and was finally passed.

Record of Votes

Senators Kennard, Herring, Word, Creighton, Calhoun, Crump, Colson and Blanchard asked to be recorded as voting "Nay" on the final passage of H. B. No. 291.

Reports of Standing Committee

Senator Creighton by unanimous consent submitted the following report:

Austin, Texas,
May 16, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 634, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Vice-Chairman.

Austin, Texas,
May 16, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 287, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Vice-Chairman.

House Bill 287 Ordered Not Printed

On motion of Senator Blanchard and by unanimous consent H. B. No. 287 was ordered not printed.

Welcome Resolution

S. R. No. 562—By Senator Watson:

Extending welcome to teacher and pupils of 8th Grade Class from Holland High School.

Adjournment

On motion of Senator Hardeman the Senate at 4:22 o'clock p.m. adjourned until 10:30 o'clock a.m. on Monday, May 20, 1963.

Record of Votes

Senators Rogers, Bates, Patman, Kennard and Blanchard asked to be recorded as voting "Nay" on the motion to adjourn.

In Memory of
S. McIntosh Murchison

Senator Owen offered the following resolution:

(Senate Resolution 563)

Whereas, The calling of S. McIntosh Murchison to his Eternal Reward on the fifteenth day of January, nineteen hundred and sixty-three, has deprived El Paso County and the State of Texas of one of its most active and beloved citizens; and

Whereas, S. McIntosh Murchison has been a civic and business leader, churchman and humanitarian for many years and has been greatly respected as a fine gentleman; and

Whereas, S. McIntosh Murchison was born in Athens, Texas on July 7, 1901, was a graduate of the University of Virginia, and came to El Paso, Texas in 1922; and

Whereas, He was one of the original organizers of the El Paso Savings and Loan Association in 1929 and was elected as president of the association in 1957, was president of the Mortgage Investment Company, was chairman of the board of directors of the El Paso Savings and Loan Association, and also was a director of the South Shore National Bank of Chicago, Illinois; and

Whereas, He served his community as a member of Providence Memorial Hospital board of trustees, was a member of El Paso Scottish Rite Bodies, Pioneer Association of El Paso, Five Points Masonic Lodge and El Paso Chamber of Commerce, was a member of El Maida Shrine and the El Paso Historical Society; and

Whereas, He was a member of the First Presbyterian Church; and

Whereas, S. McIntosh Murchison is survived by his widow, Mrs. Louise B. Murchison; a daughter, Mrs. Patricia M. Rogers, both of El Paso; a sister, Mrs. Kent Andrews of Ireland, Texas; and three grandchildren, all of El Paso; and

Whereas, It is the desire of the Senate to pay tribute and respect to the memory of this distinguished and beloved citizen whose influence will long be felt in his community; now therefore, be it

Resolved, by the Senate of Texas, That we extend our sincere sympathy to the family of S. McIntosh Murchison; that a copy of this resolution be sent to each member of his family; that a page in today's Journal be devoted to his memory; and that when the Senate adjourns today, it do so in memory of S. McIntosh Murchison.

The resolution was read and was adopted by a rising vote of the Senate.